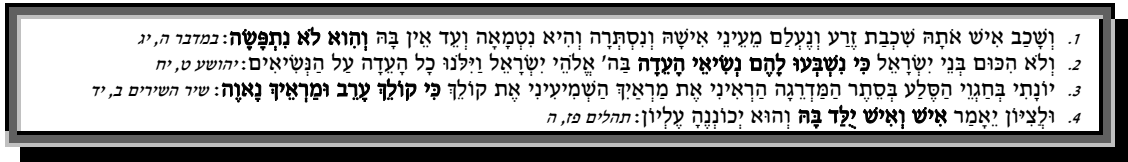


14.7.5

74a (בבלאי טפשי) → 75a (אמר רב עולא בר אבא)



- I Continuation of discussion of ביאת אישות generating proper קידושין when following failed
  - a א"ר: if he follows invalid קיד' with ביאה, it is valid (requires גט)
    - i using a forgiven debt as קידושין, conditional קידושין, קידושין with ש"פ <
  - b ר' אמי: only concurs if it was ש"פ, since everyone knows that that is invalid and his דעת is ביאה
  - c dissent: ישמעאל טעות – any קידושי טעות – even if she has a child
- II Revisiting the woman with נדרים or מומים after קידושין
  - a If she went to a חכם who released the נדר, the קידושין are valid
    - i Reason: חכם uproot the נדר from its inception (retroactively)
  - b If she went to a doctor who healed her from her מומים, קידושין are still invalid
    - i Reason: doctor heals her from her on in
  - c Dissent: ברייתא which states that even if she goes to a חכם who releases her, קידושין remain uprooted
    - i Answer: that follows ר' אליעזר – a man doesn't want his wife to be disgraced by going to ב"ד
      - 1 Explanation: he never intended that solution when giving her קידושין
      - ii Background: משנה גיטין ד:ז:
        - 1 ד"ק. if a man divorces his wife due to (שם רע) נדר, he may not remarry her
        - 2 ד"י יהודה. if it was a נדר known to the public, he may not remarry her
          - (a) reason: follows v. 2 – יהושע's oath to the גבעונים could not be retracted due to "עדה" (10)
        - 3 ד"מאיר. if it needs the investigation of a חכם, he may not remarry
          - (a) reason: a man doesn't mind if his wife needs to go to ב"ד and is disgraced, therefore, there is the concern that he will say that he didn't know she could have gotten it released and wouldn't have divorced her, putting a shadow over the גירושין
        - 4 ד"אליעזר. the case of needing חכם חקירת was only forbidden as a precaution against a נדר that doesn't
          - (a) reason: he minds if his wife is disgraced, therefore if it was a נדר that wasn't subject to הפרה, he would never claim that had he known he would have sent her to ב"ד etc.
      - iii dissent: רבא claims that the reason that חרת נדר uproots קידושין is that the referent is an important woman and the husband prefers to have them nullified so that he could marry another member of the family
        - 1 Challenge: end of that ברייתא has inverse: if his condition is that he has no מומים/נדרים and goes to a doctor or חכם and is "cured", קידושין are valid...why not explain that that refers to an אדם חשוב and she would rather the קידושין be nullified
        - 2 Answer: she would rather be married to anyman, rather than be alone, as per ר"ל's dictum: ... למיתב...
  - III Discussion re final clause of משנה – מומים that disqualify כהנים are reckoned for women
    - a ברייתא: they added perspiration, a mole and halitosis to the list for women
      - i challenge: aren't these also מומי כהנים as per ז:א: בכורות ו:יב, ז:א: (which refers to מזוהם – smelly)
        - 1 answer1: here, we include even perspiration that can be removed
        - 2 answer2: מזוהם isn't perspiration; זיהום can be temporarily removed while he does עבודה, n/a to women
      - ii Challenge: if the mole is large or has a hair, it disqualifies כהנים as well; if small and hairless, shouldn't invalidate woman either
        - 1 Answer: it is somewhere that is particularly unpleasant (visible or sometimes visible)
    - b Additional rulings:
      - i if she was bitten by a dog and the tissue scarred (badly), that is also a מום
      - ii a harsh voice is a מום as per v. 3
      - iii if the space between her breasts is a טפח, that is a מום
      - iv if her breasts are larger than average by a טפח, that is a מום (story...)
        - 1 tangential אגדה v. 5 – equates those who are born in ירושלים with those who yearn to see it
        - 2 nonetheless: 1 חכם מא"י is equal to 2 בבלי
        - 3 note: if one חכם בבלי makes עליה, he is as good as 2 of א"י, as case of ר' ירמיה shows